

02/02/01  
JC996 U.S. PTO

Please type a plus sign (+) inside this box ☐

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

02/02/01  
061111/60  
OLD S.N. 1762C

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	Attorney Docket No.	1393-002
	First Inventor	Bernardin
	Title	METHODS, APPARATUS AND ARTICLES-OF-MANUFACTURE FOR PROVIDING IMPROVED QUALITY-OF-SERVICE IN AN ALWAYS-LIVE DISTRIBUTED COMPUTING ENVIRONMENT
	Express Mail Label No.	EL 467169123US

<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning utility patent application contents.	<b>ADDRESS TO:</b> Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
---	---

1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i> 2. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input checked="" type="checkbox"/> Specification [Total Pages <b>43</b> ] <i>(preferred arrangement set forth below)</i> - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets <b>2</b> ] 5. Oath or Declaration [Total Pages <b>2</b> ] a. <input type="checkbox"/> Newly executed (original or copy) Copy from a prior application (37 CFR 1.63 (d)) b. <input type="checkbox"/> (for continuation/divisional with Box 18 completed) i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) 8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper c. <input type="checkbox"/> Statements verifying identity of above copies
--	--


<b>ACCOMPANYING APPLICATION PARTS</b>	
9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an assignee) 11. <input type="checkbox"/> English Translation Document (if applicable) 12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 13. <input type="checkbox"/> Preliminary Amendment 14. <input type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized) 15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) 16. <input type="checkbox"/> Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. 17. <input type="checkbox"/> Other:	<input type="checkbox"/> Power of Attorney <input type="checkbox"/> Copies of IDS Citations

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation   
 ☐ Divisional   
 ☒ Continuation-in-part (CIP)   
 of prior application No.: **09 711,634**  
 Prior application information.    Examiner    Group Art Unit

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

<b>19. CORRESPONDENCE ADDRESS</b>					
<input type="checkbox"/> Customer Number or Bar Code Label (Insert Customer No. or Attach bar code label here)			or <input checked="" type="checkbox"/> Correspondence address below		
Name	David Garrod, Ph.D., Esq.				
Address	Hopgood, Calimafde, Judlowe & Mondolino, LLP 60 East 42nd Street				
City	New York	State	NY	Zip Code	10165
Country	USA	Telephone	212-551-5000	Fax	949-2795

Name (Print/Type)	David Garrod, Ph.D., Esq.	Registration No. (Attorney/Agent)	35,149
Signature			Date
			2/2/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

02/05/01

02/02/01  
061444/60  
U.S. U 17523

PTO/SB/17 (11-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

<h1>FEE TRANSMITTAL</h1> <h2>for FY 2001</h2> <p>Patent fees are subject to annual revision</p>		Complete if Known	
		Application Number	
		Filing Date	2/2/01
		First Named Inventor	Bernardin
		Examiner Name	
TOTAL AMOUNT OF PAYMENT		(\$)	1,095 <sup>00</sup>
		Group Art Unit	
		Attorney Docket No.	1939-002

<h3>METHOD OF PAYMENT</h3> <p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to</p> <p>Deposit Account Number: 08-2776</p> <p>Deposit Account Name: Hopgood, Calimafde et al.</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed:</p> <p><input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>		<h3>FEE CALCULATION (continued)</h3> <h4>3. ADDITIONAL FEES</h4> <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity (\$)</th> <th>Small Entity (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>440</td><td>243</td><td>220</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>710</td><td>249</td><td>355</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>710</td><td>279</td><td>355</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="5">Other fee (specify) _____</td></tr> <tr> <td colspan="4">SUBTOTAL (3)</td> <td>(\$)</td> </tr> </tbody> </table>		Fee Code	Large Entity (\$)	Small Entity (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	390	216	195	Extension for reply within second month		117	890	217	445	Extension for reply within third month		118	1,390	218	695	Extension for reply within fourth month		128	1,890	228	945	Extension for reply within fifth month		119	310	219	155	Notice of Appeal		120	310	220	155	Filing a brief in support of an appeal		121	270	221	135	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,240	241	620	Petition to revive - unintentional		142	1,240	242	620	Utility issue fee (or reissue)		143	440	243	220	Design issue fee		144	600	244	300	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Processing fee under 37 CFR 1.17(q)		126	180	126	180	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))		149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))		179	710	279	355	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application		Other fee (specify) _____					SUBTOTAL (3)				(\$)
Fee Code	Large Entity (\$)	Small Entity (\$)	Fee Description	Fee Paid																																																																																																																																																																																						
105	130	205	65	Surcharge - late filing fee or oath																																																																																																																																																																																						
127	50	227	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																						
139	130	139	130	Non-English specification																																																																																																																																																																																						
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination																																																																																																																																																																																						
112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																						
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																						
115	110	215	55	Extension for reply within first month																																																																																																																																																																																						
116	390	216	195	Extension for reply within second month																																																																																																																																																																																						
117	890	217	445	Extension for reply within third month																																																																																																																																																																																						
118	1,390	218	695	Extension for reply within fourth month																																																																																																																																																																																						
128	1,890	228	945	Extension for reply within fifth month																																																																																																																																																																																						
119	310	219	155	Notice of Appeal																																																																																																																																																																																						
120	310	220	155	Filing a brief in support of an appeal																																																																																																																																																																																						
121	270	221	135	Request for oral hearing																																																																																																																																																																																						
138	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																																																						
140	110	240	55	Petition to revive - unavoidable																																																																																																																																																																																						
141	1,240	241	620	Petition to revive - unintentional																																																																																																																																																																																						
142	1,240	242	620	Utility issue fee (or reissue)																																																																																																																																																																																						
143	440	243	220	Design issue fee																																																																																																																																																																																						
144	600	244	300	Plant issue fee																																																																																																																																																																																						
122	130	122	130	Petitions to the Commissioner																																																																																																																																																																																						
123	50	123	50	Processing fee under 37 CFR 1.17(q)																																																																																																																																																																																						
126	180	126	180	Submission of Information Disclosure Stmt																																																																																																																																																																																						
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																						
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																						
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																						
179	710	279	355	Request for Continued Examination (RCE)																																																																																																																																																																																						
169	900	169	900	Request for expedited examination of a design application																																																																																																																																																																																						
Other fee (specify) _____																																																																																																																																																																																										
SUBTOTAL (3)				(\$)																																																																																																																																																																																						
<h3>FEE CALCULATION</h3> <h4>1. BASIC FILING FEE</h4> <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>101</td><td>710</td><td>201 355</td><td>Utility filing fee</td><td>355</td></tr> <tr><td>106</td><td>320</td><td>206 160</td><td>Design filing fee</td><td></td></tr> <tr><td>107</td><td>490</td><td>207 245</td><td>Plant filing fee</td><td></td></tr> <tr><td>108</td><td>710</td><td>208 355</td><td>Reissue filing fee</td><td></td></tr> <tr><td>114</td><td>150</td><td>214 75</td><td>Provisional filing fee</td><td></td></tr> <tr><td colspan="3">SUBTOTAL (1)</td><td>(\$) 355</td></tr> </tbody> </table> <h4>2. EXTRA CLAIM FEES</h4> <table border="1"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>80</td><td>-20** =</td><td>60</td><td>540</td></tr> <tr><td>8</td><td>-3** =</td><td>5</td><td>200</td></tr> <tr><td colspan="4">Multiple Dependent</td></tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>103</td><td>18</td><td>203 9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>102</td><td>80</td><td>202 40</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>104</td><td>270</td><td>204 135</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>109</td><td>80</td><td>209 40</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>110</td><td>18</td><td>210 9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> <tr><td colspan="3">SUBTOTAL (2)</td><td>(\$) 740</td></tr> </tbody> </table> <p>**or number previously paid, if greater; For Reissues, see above</p>		Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	101	710	201 355	Utility filing fee	355	106	320	206 160	Design filing fee		107	490	207 245	Plant filing fee		108	710	208 355	Reissue filing fee		114	150	214 75	Provisional filing fee		SUBTOTAL (1)			(\$) 355	Total Claims	Extra Claims	Fee from below	Fee Paid	80	-20** =	60	540	8	-3** =	5	200	Multiple Dependent				Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	103	18	203 9	Claims in excess of 20		102	80	202 40	Independent claims in excess of 3		104	270	204 135	Multiple dependent claim, if not paid		109	80	209 40	** Reissue independent claims over original patent		110	18	210 9	** Reissue claims in excess of 20 and over original patent		SUBTOTAL (2)			(\$) 740	<p>*Reduced by Basic Filing Fee Paid</p> <p>SUBTOTAL (3) (\$)</p>																																																																																																						
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid																																																																																																																																																																																							
101	710	201 355	Utility filing fee	355																																																																																																																																																																																						
106	320	206 160	Design filing fee																																																																																																																																																																																							
107	490	207 245	Plant filing fee																																																																																																																																																																																							
108	710	208 355	Reissue filing fee																																																																																																																																																																																							
114	150	214 75	Provisional filing fee																																																																																																																																																																																							
SUBTOTAL (1)			(\$) 355																																																																																																																																																																																							
Total Claims	Extra Claims	Fee from below	Fee Paid																																																																																																																																																																																							
80	-20** =	60	540																																																																																																																																																																																							
8	-3** =	5	200																																																																																																																																																																																							
Multiple Dependent																																																																																																																																																																																										
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid																																																																																																																																																																																							
103	18	203 9	Claims in excess of 20																																																																																																																																																																																							
102	80	202 40	Independent claims in excess of 3																																																																																																																																																																																							
104	270	204 135	Multiple dependent claim, if not paid																																																																																																																																																																																							
109	80	209 40	** Reissue independent claims over original patent																																																																																																																																																																																							
110	18	210 9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																																							
SUBTOTAL (2)			(\$) 740																																																																																																																																																																																							

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	David Garrod, Ph.D., Esq.	Registration No. (Attorney/Agent)	35,149
Signature	<i>[Signature]</i>	Telephone	212-551-5000
		Date	2/2/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.